

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.24495 of 2016

and

Crl.M.P.No.11732 of 2016

1.K.Sathish

2.Dr.Mrs.Renuka Devi

... Petitioners

-Versus-

The State Rep. by

1. The Inspector of Police,
W8, All Women Police Station,
Thirumangalam, Chennai.
[Crime No.31 of 2014]
[Investigation transferred to
W9, All Women Police Station]

2. The Inspector of Police,
W9, All Women Police Station,
Villivakkam, Chennai.
[Now investigating the case]

3. E.Udaya Shankari

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in Crime No.31 of 2014 on the file of the 1st respondent and transferred to the 2nd respondent for investigation and to quash the above said case.

For Petitioners : Mr.C.Jayaprakash

For Respondents : Mr.C.Emalias, APP for R1
and R2

R3-in-person

ORDER

This criminal original petition has been filed seeking to quash the case in Crime No.31 of 2014 which was originally registered by the 1st respondent and subsequently transferred to the file 2nd respondent for investigation.

2. On the complaint lodged by E.Udayasankari, the 1st respondent police originally registered a case in Crime No.31 of 2014 on 22.10.2014 for offences under Sections 498A, 406, and 506(i) of IPC against the petitioners which was subsequently transferred to the file of the 2nd respondent for investigation.

3. It is the case of the de facto complainant E.Udayasankari that she got married to the 1st petitioner on 01.06.2012 and they were living happily for some time and thereafter, their marriage ran into rough weather and that they got estranged. She has alleged acts of cruelty in the complaint. Hence, the FIR.

4. This quash petition has been filed on the ground that the petitioners and the de facto complainant have entered into a compromise and settled the issues amicably among themselves.

5. Today, Mrs.M.C.Kavitha Devi, Woman Sub Inspector of Police, W9, All Women Police Station, Villivakkam, Chennai, is present in court. She identified both the accused and the de facto complainant. Mrs.E.Udayasankari, the de facto complainant has filed an affidavit wherein in para 7 she stated as follows:-

"7. I submit that in the mean while, we entered into amicable settlement and also signed in Memorandum of Understanding without any coercion.

In these circumstances myself and the first petitioner after much deliberation and discussions we arrived at the following settlement by way of Memorandum of Understanding as follows:-

"1. Myself and the first petitioner has already exchanged the articles belonging to us.

2. The first petitioner will pay a sum of Rs.6,00,000/- (Rupees six lakhs only) to me for permanent alimony and the same will be paid into instalments and the first instalment received by me on 04.10.2016 by Demand Draft No.535959 drawn on Dena Bank, Thandalam Branch, Chennai.

3. Today itself two demand drafts received by me bearing Nos.535969 and 535970 dated 16.11.2016 drawn on Dena Bank, Thandalam Branch for each Rs.1,50,000/-.

4. I will undertake to withdraw the H.M.O.P.No.1731/2014 for restitution of conjugal rights.

5. I will ready and willing to file a mutual consent or submitted to decree in H.M.O.P.No.2862 of 2014 filed by the first

petitioner on the file of II Addl. Family Court, Chennai.

6. I state that I will not take any action or complaint relating to the matrimonial life and shall have no claim in any form including maintenance or alimony from the first respondent in future."

6. In view of the above, the criminal original petition is allowed and the case in Crime No.31 of 2014 registered by the 1st respondent and now pending before the 2nd respondent for investigation is hereby quashed against both the accused. Consequently, connected miscellaneous petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

- 1.The Inspector of Police, W8, All Women Police Station, Thirumangalam, Chennai.
- 2.The Inspector of Police, W9, All Women Police Station, Villivakkam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

+1 cc to M/S.C.JAYAPRAKASH, ADVOCATE SR.NO.66742

MMP 30.12.2016

Cr1.O.P.No.24495 of 2016

सत्यमेव जयते

WEB COPY